

NORTHERN TERRITORY LIQUOR COMMISSION

DECISION NOTICE

MATTER:	APPLICATION FOR A LICENCE WITH A MAJOR EVENT AUTHORITY
REFERENCE:	LC2020/057
VENUE:	Darwin Waterfront – Lawn Area 7 Kitchener Drive DARWIN CITY NT 0800
APPLICANT:	Darwin Waterfront Corporation
EVENT:	New Year's Eve Concert
LEGISLATION:	Section 52 of the <i>Liquor Act 2019</i>
DECISION OF:	Mr Richard Coates (Chairperson)
DATE OF DECISION:	3 December 2020

Decision

1. For the reasons set out below and in accordance with section 48 of the *Liquor Act 2019 (the Act)* the Northern Territory Liquor Commission (the Commission) has determined to grant a liquor licence with a major event authority to the Darwin Waterfront Corporation (the Applicant) for the sale of liquor to patrons attending the New Year's Eve Concert at the Darwin Waterfront between the hours of:

17:00 and 24:00 on Thursday, 31 December 2020;

or in the event of postponement due to extreme weather

17:00 and 24:00 on Friday, 1 January 2021.
2. The granting of approval is subject to the following conditions, namely:
 - a. The conditions set out in Division 12 (Major event authority conditions) of the Liquor Regulations 2019 (the Regulations).
 - b. The sale of liquor must be supervised by one or more persons nominated by the holder of the major event authority (the Nominee/s), who each must hold a Responsible Service of Alcohol certificate, or equivalent

qualification approved by the Director-General. A Nominee **MUST BE** present during all Trading Hours and must ensure compliance with these Conditions.

Nominee/s: MR JASON HANNA

MR DAVID ROBINSON

- c. Persons under the age of 18 years must not be used in the sale or supply of liquor.
- d. The boundary of the premises must be clearly identified and access to the premises must be restricted in a manner that allows for effective supervision by the Nominees.
- e. The licensee will employ at least 30 licensed crowd controllers for the duration of this event. This is in addition to the security that will be provided at the venue through the presence of NT Police Officers and Waterfront Corporation Rangers.
- f. All liquor must be sold in open cans or plastic cups.
- g. No wine, spirits, or full strength beer and cider is to be sold.
- h. No more than four (4) drinks must be sold to any one person at any one time.
- i. The licensee must comply with the "Industry Code of Practice for the Promotion of Liquor", provide a safe drinking environment, prevent irresponsible or excessive consumption of liquor and ensure all staff are properly instructed to watch for and prevent drink spiking.
- j. Liquor must only be sold or supplied to patrons wearing an 18 plus wrist band supplied and applied to patrons by officers engaged by the licensee who are reasonably satisfied that the patron is over 18 years of age.
- k. The certificate of licence must be located at the premises during Trading Hours and must be produced on demand to a Licensing Inspector, a Member of the Police Force, an authorised Member of the Northern Territory Fire and Rescue Service or a delegate of the Chief Health Officer upon production of an identity card or other authorisation.
- l. The licensee must clearly display signage to delineate Non-Smoking areas from the Smoking Areas and the holder must comply with smoking requirements contained in the *Tobacco Control Act 2002*.
- m. Food and drinks are not permitted to be taken into any designated smoking areas.
- n. The licensee or an employee of the licensee shall exclude or remove from the premises any person who is wearing the colours, insignia or emblems of an outlaw motorcycle gang (Bikie Gang).

- o. The licensee must comply with the NT Noise Management Framework Guideline issued by NT EPA in September 2018.

Reasons

Background

3. On 13 November 2020, pursuant to section 52 of the Act, the Applicant lodged an application with the Director of Liquor Licensing (the Director) for a licence with an authority for a major event to permit the sale of liquor to patrons attending the “New Year’s Eve Concert”.
4. On 26 November 2020, pursuant to section 59 (1) of the Act, the application was referred to the Commission for consideration and determination. The application was then referred to me pursuant to Commission delegation dated 28 October 2019 to deal with such major event authority application.
5. The Applicant is seeking a major event authority for the following hours of trade:
 - 17:00 and 24:00 on Thursday, 31 December 2020;
 - or in the event of postponement due to extreme weather
 - 17:00 and 24:00 on Friday, 1 January 2021.
6. The Darwin Waterfront New Year’s Eve Concert is an all age’s family friendly event sponsored by the Northern Territory Government featuring a dynamic mix of children’s entertainment, local artists, DJs, fireworks and International headline acts.
7. Access to the Waterfront central public parkland precinct will be restricted and pre-registration and ticketing (through the use of wristbands) will be required. Wristbands will clearly identify attendees who are over 18 years old and under 18 years old.
8. The applicant proposes the sale of low and mid-strength alcohol including a range of non-alcoholic drinks. No full strength beers, ciders and spirits will be served. The bar will be located within the Palm Grove area of the fenced event area. Security will be permanently stationed at the bar. The service of alcohol will be limited to 4 drinks per person at any one time.
9. Approximately 7000 patrons are expected to attend the event. Extensive security services will be deployed throughout the event, including entry points utilising Corporation Rangers and security contractor Territory Protective Services. CCTV network over 200 actively monitored cameras will also support event management. The Applicant is in effect seeking a reduction of the prescribed minimum security personnel. Regulation 68(2) would require it to engage at least 71 security guards whereas the Applicant is only proposing to deploy 30 licensed crowd controllers. Applicants should take note that the Regulations now prescribe what used to be referred to as the “Industry Standard” in relation to the required number of crowd controllers for major events. If an applicant is intending to deviate from those standard prescribed conditions then it should make it clear in the application that a variation is being sought and provide justification for the imposition of special

conditions.

10. In terms of the application before the Commission, it is noted that the Applicant provided the following documents:
 - Application for a new liquor licence or authority
 - Affidavit
 - Event Management Plan
 - Traffic Management Site Plan
 - Fireworks Firing Plan
 - Site Plan of licenced area
 - Chief Health Officer approval
 - COVID-19 Guidelines & Action Plan
 - Security plan
 - RSA Certificates.
11. The proposed nominees for the event are Mr Jason Hanna and Mr David Robinson. Messers Hanna and Robinson are experienced operators in the liquor and hospitality industry, run successful businesses and are considered to be sufficiently qualified and fit and proper persons to be nominees.
12. I have been informed by Licensing NT, that there have been no compliance issues with respect to previous licences issued to the Applicant for similar events.

Publication

13. Due to the nature of the event and good compliance record for similar events held by the Applicant, the Director approved the abridgement of the advertising period from 28 days to 7 days pursuant to section 318(1) of the Act.
14. The application was advertised in the NT News on Saturday 14 November 2020 and Wednesday 18 November 2020 and evidence of the advertisements and display of the “green sign” were provided in the Director’s Referral.
15. As a result of the advertising, no objections were received from the public.

Consultation

16. Stakeholders were invited to provide comment on the application:
 - The Chief Executive Officer of the Department of Health;
 - The Commissioner of Police;
 - Northern Territory Fire and Rescue Service;
 - St Johns Ambulance.
17. On 13 November 2020, the Department of Health advised of no adverse comment and asked that the Director consider patron and community safety & amenity when determining the application. The Department of Health also requested the clear

display of signage to delineate the Non Smoking areas from the Smoking Areas and maintenance of a 10 meter smoke free buffer.

18. On Friday 13 November 2020, the Applicant was provided with smoking signage as requested by Department of Health via email.
19. On 17 November 2020, Northern Territory Police advised of no objection to the application.
20. Northern Territory Fire and Rescue Service did not provide a comment on the application.

Assessment of the Application

21. Although no objections were made to this application, section 49 of the Act makes clear that the Commission may only issue a licence or an authority if satisfied that:
 - a. The Applicant is a fit and proper person;
 - b. Issuing the licence or authority is in the public interest; and
 - c. The licence or authority will not have a significant adverse impact on the community.
22. The Commission has had regard to the relevant considerations listed in section 59(3) of the Act as to the suitability of the Applicant to hold this licence.
23. The Applicant is the responsible governance body for the Waterfront Precinct and has successfully conducted licensed events in the past. The Commission is satisfied that the Applicant is a fit and proper person to hold a licence and that the premises, the Darwin Waterfront - Lawn Area, is suitable to once again be licensed premises.
24. The main drawcards to this family friendly event is the fireworks and entertainment and the Commission is satisfied that the supply of liquor is an ancillary feature of the New Year's Eve event.
25. Having considered the nature of this event, in particular the limitations in relation to the strength of alcohol that will be supplied, the existing high level of CCTV security coverage of the venue and the fact that there will also be a significant contingent of police and Corporation rangers in attendance, the Commission considers that the proposed reduction of the number of licensed crowd controllers is reasonable. It will therefore be a condition of this licence that the licensee engage at least 30 licensed crowd controllers for the duration of the event. All other requirements in the Regulations related to crowd controllers will continue to apply.
26. Having regard to the foregoing, the Commission has had regard to the public interest requirements of section 49 of the Act and is satisfied that issuing the licence with a major event authority is in the public interest and will not have a significant adverse impact on the community

Notice of Rights:

27. Section 31 of the Act provides that any decision of the Commission for which a decision notice is required is reviewable by NTCAT and the following persons (*relevantly*) may apply to NTCAT for a review:
- a. in all cases – the Director;
 - b. in the case of a decision regarding an application – the Applicant.
28. In accordance with the substance of section 31 of the Act any application for review of this decision must be lodged within 28 days of the date of this decision.
29. Section 60(3) of the 2019 Act requires the Commission to give a decision notice to the Applicant after making a decision under section 60(1).

A handwritten signature in black ink, appearing to read 'Richard Coates', with a stylized flourish at the end.

RICHARD COATES
Chairperson
Northern Territory Liquor Commission